



**తెలంగాణ రాజ పత్రము**  
**THE TELANGANA GAZETTE**  
**PART-I EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

No. 200 ]

HYDERABAD, WEDNESDAY, JULY 12, 2017.

**NOTIFICATIONS BY GOVERNMENT**

—X—

**MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT  
DEPARTMENT**

(Vig.II)

ARTICLES OF CHARGES FRAMED AGAINST SRI M. RAJENDRA KUMAR, THE THEN TPS, NORTH ZONE, GHMC, PRESENTLY WORKING IN DIRECTOR OF TOWN AND COUNTRY PLANNING, TELANGANA, HYDERABAD.

**[G.O. Rt. No. 637, Municipal Administration & Urban Development (Vig.II), 6<sup>th</sup> October, 2016.]**

It is proposed to hold an enquiry against Sri M. Rajendra Kumar, the then Town Planning Supervisor, North Zone, Greater Hyderabad Municipal Corporation, Hyderabad, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The statement of articles of charges and statement of imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed (Annexure-I&II). A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed (Annexure III & IV).

3. The above said Sri M. Rajendra Kumar, the then Town Planning Supervisor, North Zone, Greater Hyderabad Municipal Corporation, Hyderabad, is directed to submit his written statement of defence within 10 days from the date of receipt of this order.

4. The above said Sri M. Rajendra Kumar, the then Town Planning Supervisor, North Zone, Greater Hyderabad Municipal Corporation, Hyderabad, is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. The above said Sri M. Rajendra Kumar, the then Town Planning Supervisor, North Zone, Greater Hyderabad Municipal Corporation, Hyderabad, is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri M. Rajendra Kumar, the then Town Planning Supervisor, North Zone, Greater Hyderabad Municipal Corporation, Hyderabad, is invited to Rule 24 of the Andhra Pradesh Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that above said Sri M. Rajendra Kumar, the then Town Planning Supervisor, North Zone, Greater Hyderabad Municipal Corporation, Hyderabad, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad / the DTCP, Telangana, Hyderabad, is directed to make available documents related to the case, for perusal to the above said Sri M. Rajendra Kumar, the then Town Planning Supervisor, North Zone, Greater Hyderabad Municipal Corporation, Hyderabad, if he chooses so, on his written representation, within the stipulated time.

### **Annexure - I**

#### **Statement of articles of Charges framed against Sri. M. Rajender Kumar, the then TPS, North Zone, GHMC presently working as TPS Sadasivpet Municipality.**

- Article No. 1 :** That Sri. M.Rajender Kumar, the then TPS, North Zone, GHMC presently working as TPS Sadasivpet Municipality has failed to stop unauthorized construction with various deviations of Maruthi Constructions at Premises No.2-3-578/1,2&3, Kachibowli, Nallaguta, Minister Road, Secunderabad. Due to which there is loss of Rs. 5,58,788,60/- to GHMC and by this above act he has exhibited lack of integrity, devotion to duty conduct unbecoming of Government Servant and thereby contravened Rule 3 (1) and (2) of A.P. Civil Services (Conduct) Rules 1964.
- Article No. 2 :** That Sri. M.Rajender Kumar, the then TPS, North Zone, GHMC presently working as TPS Sadasivpet Municipality has failed to stop unauthorized construction with various deviations at Premises No. 1-8-303/40, P.G.Road, Rasoolpura, Secunderabad. Due to which there is loss of Rs. 26,306,48/- to GHMC and by this above act he has exhibited lack of integrity, devotion to duty conduct unbecoming of Government Servant and thereby contravened Rule 3 (1) and (2) of A.P. Civil Services (Conduct) Rules 1964.
- Article No. 3 :** That Sri. M.Rajender Kumar, the then TPS, North Zone, GHMC presently working as TPS Sadasivpet Municipality has failed to stop unauthorized construction with various deviations of M/s Bhagyanagar Hotels Pvt, Ltd., at Premises No.1-8-329 to 335, USA Consulate Lane, Begumpet, Secunderabad. Due to which there is loss of Rs. 44,01,148/- to GHMC and by this above act he has exhibited lack of integrity, devotion to duty conduct unbecoming of Government servant and thereby contravened Rule 3 (1) and (2) of A.P. Civil Services (Conduct) Rules 1964.
- Article No. 4 :** That Sri. M.Rajender Kumar, the then TPS, North Zone, GHMC presently working as TPS Sadasivpet Municipality has failed to maintain the details of date of completion of structure of the building, and details of calculation of Building Penalization amount is not mentioned and thereby Contravened Rule 3(1) and (2) of APCS (Conduct) Rule 1964.

**Annexure - II****Statement of imputations in support of the Articles of Charges to be framed against Sri. M. Raiender Kumar, the then TPS, North Zone, GHMC presently working as TPS Sadasivpet Municipality****FACTS AND EVIDENCES:**

The M/s Maruthi Constructions has applied for BPS of the Construction on 25.03.2008 in the Premises No. 2-3-578, 1,2 & 3, Kachibowli, Nallaguta, Minister Road, Secunderabad. The applicant has paid initial amount of Rs. 5,01,058/- in the form of Manager's cheque of HDFC Bank on 19.03.2008 at the time of submission of BPS application. The applicant has got original permission from the GHMC vide Permit No. 91/75, dt. 11.07.2005 for construction of Residential Apartments with stilt +5 Upper floors, but the applicant has constructed the Commercial Complex with Cellar + Ground + 5 Upper Floors. The applicant has paid an amount of Rs. 1,14,280/- with the commencing of property tax for half yearly vide SI. No. 76/C5/Tax/Sc/GHMC/2009. B.No. 22, dt. 18.02.2009.

The plot area of the above building is 1332.18 Sq. Mts. built up- area as per permission is 14203.20 Sq.ft. and built up area as per BPS is 38681.00 Sq.ft. The height of the building as per BPS is 17.70 Mts. The built-up area as per the State Disaster Response and Fire Services Department is 51431.72 Sq.ft. (excluding cellar) vide Rc. No. 5890/B1/2010, dt. 16.07.2010. The GHMC Department has calculated the total penal amount as Rs. 52,00,249/- and after payment of the above penal amount as Rs. 52,00,249/- and after the payment of the above penal amount the BPS was released to the party.

Sri S.V.V.N.Hanumanth Rao, Structural Engineer has (Licence No.52/Strl.Engineer/TP10/GHMC/2009, Year 2009 - 2014 issued structural certificate for the above building on 24.06.2009 with following observations.

- i. I have inspected the Building in premises No. 2-3-578/1/A of Nallaguta, Kachibowli and found that the building has G+5 numbers of Floors and a height of 18 Meters.
- ii. I have thoroughly inspected the said building and found that no adverse indications about the structural weakness or impairment in the building.
- iii. I therefore hereby certify that the said building is structurally safe as on date.

**PHYSICAL VERIFICATION OF THE BUILDING;**

The V&E Officials have inspected the building of M/s Maruthi Constructions, Premises No.2-3-578/1, 2 & 3, Kachibowli, Nallagutta, Minister Road, Secunderabad on 27.03.2013. The observations are as follows.

The owner has constructed the total built-up area (including cellar) is 47,161.80 Sq.ft. The building has constructed with cellar + G + 5 Upper Floors.

The height of the building is 18.00 Mts.

The building is being used as Commercial purpose.

**REBUTTAL;**

The Government have issued orders in Minutes of Review meeting on BPS & LRS convened by the Commissioner & Spl. Officer, GHMC on 23.09.2008 to inspect all the Multistoried Buildings 100% before releasing the BPS orders.

The above building was not inspected by Sri M. Rajendra Kumar, the then i/c ACP, Head Office who is the primary responsible officer to inspect the building and verified the built up area to calculation of BPS Penal Amount. The total penalization amount calculated and collected from the applicant of Rs. 52,00,249/- instead of actual penalization Rs. 57,59,037.60/-

Hence, due to negligence of the above individual there is loss to the Government of Rs. 5,58,788.60/-

**FINDINGS:**

1. The GHMC Officials ignored some main essential information in the note file of the BPS file regarding the Pro. No. BPS/492/C-18/NZ/GHMC/2008, dt 31.12.2010.
  - a. The date of completion of structure of the building is not mentioned.
  - b. The original assessment date of Property Tax of the property is not mentioned.
  - c. The details of Calculation of Building penalization amount is not mentioned in the note file.
2. The total built-up area of the building given by the Owner/Builder is 38681.00 Sq.ft. in the BPS application, but the State Disaster Response and Fire Services Department has given as total built up area 51,431.72 Sq.ft. The above two statements are at variance and the department officials have not cross checked the actual built up area before releasing the BPS proceedings.
3. The actual built up area was verified by V&E Officials and calculated in the presence of GHMC Town Planning Officials and it is arrived at 47,161.80 Sq.ft. including cellar area.
4. The GHMC Officials have calculated the building penalization amount as Rs. 52,00,249/-
5. The V&E Officials have calculated actual total penalization amount as per Memo No. 19589/M1/2009, dt 25.11.2009 on the basis of the physical observation of the building built up area in the presence of Town Planning Officers of GHMC is Rs. 57,59,037.60/- and balance amount (Rs. 5,58,788.60/-) has to be recovered from the Owner/Builder.
6. The Structural Safety Certificate was issued without conducting any tests regarding strength aspect of the structure, but merely on external appearance.

**Article No.2****FACTS AND EVIDENCES:**

Sheela Lalwani Ravi Lalwani & Jagadish Lalwani were applied for BPS of the construction on 28.03.2008 in the Premises No. 1-8-303/40, PG Road, Rasoolpura, Secunderabad. The applicant has paid initial amount of Rs. 3,25,000/- in form of Manager's cheque of HDFC Bank on 27.03.2008 at the time of submission of BPS application. The applicant has got original permission from the GHMC vide Permit No. 95/34, dt 23.04.2005 for construction of residential House with ground + First + Second Floor. The applicant has paid an amount of Rs. 26,718/- as properly tax for the year 2007 - 2008 vide receipt No. 21822, dt 06.08.2007.

The plot area of the building is 306.13 Sq. Mts. land effected area in road is 100.29 Sq.mts. and the net plot area is 205.84 Sq.Mts. built up area as per permission is 3023.66 Sq.ft. built up area as per BPS is 9613.00 Sq.ft. The height of the building as per BPS is 14.96 Mts. The GHMC processing officer prepared intimation notice to the applicant vide Lr. No. BPS/833/C18/NZ/GHMC/2008, dt: 17.11.2009 to submit the following documents. But this notice was not served to the applicant.

- a. Copy of sanctioned plan & Proceedings (if any)
- b. One photograph showing the Roof slab.
- c. NOC from Air Port Authority.
- d. Structural safety compliance certificate shall be submitted from a Licensed Structural Engineer.
- e. NOC from Fire & Emergency Services Department.
- f. ULC Affidavit.

The GHMC processing officer sent again intimation notice to the applicant vide Lr. No. BPS/833/C18/NZ/GHMC/2008, dt:19.12.2009 to submit the following documents. This notice was served to the applicant.

- a. DD for Rs. 1,06,841/- towards the payment of balance penalization charges.
- b. Structural safety compliance certificate shall be submitted from a licensed structural engineer.
- c. ULC affidavit.

The GHMC Department has imposed without detailed calculations and the total penal amount as Rs. 4,31,841/- and after payment of the above penal amount the BPS was released to the party. The Structural Engineer Sri P. Srinivas (Licence No. 56/Strl.Engineer/TP10/GHMC/2009, year 2009-2010) issued Structural Safety Certificate on 29.12.2009 with the following observations.

- a. I have inspected the Building in premises no. 1-303/40 of Rasoolpura, Begumpet and found that the building has number of floors and a height of 14.95 Mtrs.
- b. I have thoroughly inspected the said building and found no adverse indications about the structural weakness or impairment in the building.
- c. I therefore hereby certify that the said building is structurally safe as on date.

**PHYSICAL VERIFICATION OF THE BUILDING:**

The V& E Officials has inspected the building of Smt Sheela Lawani, Ravi Lalwani & Jagadish Lalwani, Premises No. 1-8-303/40, P.G. Road Rasoolpura, Secunderabad on 27.02.2013. The observations are as follows:

The building has constructed the total built up area is (including Cellar) 10,441 Sq.ft.

The building has constructed with Cellar + G+4 Upper Floors, and constructed the temporary structure with AC Sheets of 1245 sq. ft.

The height of the building is 18.00 Mts.

The building is being used as Commercial purpose.

**REBUTTAL:**

The Government have issued orders in Minutes of Review meeting on BPS & LRS convened by the Commissioner & Spl. Office, GHMC on 23.09.2008 to inspect all the Multistoried Buildings 100% before releasing the BPS orders.

The above building was not inspected by Sri M. Rajendra Kumar, the then i/c ACP, Head Office who is the primary responsible officer to inspect the building and verified the built up area to calculation of BPS Penal Amount. The total penalization amount calculated and collected from the applicant of Rs. 4,05,534.52/- instead of actual penalization Rs. 4,31,841/-

Hence, due to negligence of the above individual there is loss to the Government of Rs. 26,306.48/-

**FINDINGS:**

1. The GHMC Officials ignored some main essential information in the note file of the BPS file regarding the Pro. No. BPS/853/C-18/NZ/GHMC/2008, dt. 04.03.2010.
  - a. The date of completion of structure of the building was not mentioned.
  - b. The original assessment date of Property Tax of the property was not mentioned.
  - c. The details of Calculation of Building penalization amount was not mentioned in the note file.
2. The GHMC processing officer prepared two intimation notices to the applicant regarding the submission of documents. In the first intimation notice, the applicant was requested to submit six documents vide Lr. No. BPS/833/C-18/NZ/GHMC/2008, Dt. 17.11.2009. But this notice was not served to the applicant. The second intimation notice addressed to the applicant on 19.12.2009, wherein it was asked to submit only three documents. From the above notices it is found that the processing officer has colluded with the applicant and why the requirement has reduced.
3. The applicant has got original permission from the GHMC vide Permit No. 95/34, dt. 23.04.2005 for Construction of Residential House with Ground + First + Second Floor, but the applicant has constructed Commercial Complex with Cellar + Ground + 4 Upper floors.
4. The total built up area of the building given by the Owner/Builder is 9316.00 Sq. ft. in the BPS application and the department officials have not cross checked the actual built up area before releasing the BPS Proceedings.



5. The actual built up area was verified by the V&E Officials and calculated in the presence of GHMC Town Planning Officials and arrived at 10,441 Sq.ft. including cellar area.
6. The GHMC Officials have calculated the building penalization amount as Rs.4,31,841/-.
7. The GHMC Officials have not included the area of temporary structure while calculation of BPS Penalization charges.
8. The V&E Officials have calculated actual total penalization amount as per Memo No. 19589/M1/2009, dt. 25.11.2009 on the basis of the physical observation of the building built up area in the presence of Town Planning Officers of GHMC is Rs. 4,05,534.52 and excess amount Rs. 26,306.48/- has to be refunded to the owner/builder.
9. The details of the number of floors of the building have not been mentioned in the Structural Safety Certificate issued by the Structural Engineer. The processing officer of GHMC has blindly approved the BPS application and issued proceedings.
10. The Structural Safety Certificate which was issued without conducting any tests regarding strength aspect of the structure, but merely on external appearance.

### **Article No.3**

#### **FACTS AND EVIDENCES;**

M/s Bhagyanagar Hotels Pvt., Ltd., Rep. by Mr. S.Satyanarayana Rao & Others were applied for BPS of the construction on 24-4-2008 in the Premises No. 1-8-329 to 335, USA Consulate Lane, Begumpet, Secunderabad. The applicant has paid initial amount of Rs. 92,57,832/- in form of DD of Syndicate Bank on 24.04.2008 at the time of submission of BPS application. The applicant has constructed the Commercial Complex with Sub Cellar + Cellar Ground +6 Upper Floors (Block - I), Ground + 2 Upper Floors (Club House-I) and Sub Cellar + Cellar + Mezzanine Floors (Club House-II) without prior permission from the GHMC. The applicant has paid an amount of Rs. 3,50,000/- as property tax for year 2007 -2008 including arrears vide receipt No. 001, dt. 30.03.2008.

The plot area of the above building is 5906.00 Sq.mts. built up area as per BPS is 8015.34 Sq.mts. (or) 86,245.06 Sq.ft. The height of the building as per BPS is 24.00 Mts. The GHMC processing officer prepared intimation notice to the applicant vide Lr. No. BPS/198/C18/NZ/GHMC/2008, Dt. 17.11.2009 to submit the shortfall documents.

The GHMC Department has imposed without detailed calculations and the total penal amount as Rs. 1,97,50,800/- and after payment of the above penal amount the BPS is released to the party. The Structural Engineer Sri Zaki Ahmed (Licence No.47) issued structural Safety Certificate on 13-8-2010 with following observations.

- a. I have inspected the building in premises No. 1-8-329 to 335 of M/s Bhagyanagar Hotels Pvt., Ltd., Rep. by Mr. S.Satyanarayana Rao and found that the Building Cellar + Ground+6 Upper Floors and height of 22.00 Meters.
- b. I have thoroughly inspected the said building and found no adverse indications about the structural weakness or impairment in the building.
- c. I therefore hereby certify that the said building is structurally safe as on date.

#### **PHYSICAL VERIFICATION OF THE BUILDING:**

The V&E Officials have inspected the building of M/s Bhagyanagar Hotels Pvt., Ltd., Rep. by Mr. S.Satyanarayana Rao & Others, Premises. No. 1-8-329 to 335, as follows:

Main block consisting of Cellar + Ground + 6 Upper Floors, having constructed area 1,00,129.33 Sq.ft. which is submitted by the owner for BPS. The total built up area including cellar is being used for commercial purpose as Hotel, i.e., cellar is being used as Gym.

Club House consisting of Ground +2 upper floors, having constructed area 6,904.05 Sq.ft. which is submitted by the owner for BPS, the area is also being used for Commercial Purpose. Club House-II consisting of 2 Cellars + Mezzanine Floor, having constructed area 43,916.29 Sq.ft. which is submitted by the Owner for BPS, the area is also being used for commercial purpose. The building has constructed the total built up area is 1,50,949.67 Sq. ft.

The building has constructed with 3 Cellars + Ground +6 upper floors. The height of the building is 23.50 Mtrs. The total Cellar area is using for commercial purpose only not for parking.

**REBUTTAL:**

The Government have issued orders in Minutes of Review meeting on BPS & LRS convened by the Commissioner & Spl. Officer, GHMC on 23.09.2008 to inspect all the Multistoried buildings 100% before releasing the BPS orders.

The above building was not inspected by Sri M.Rajendra Kumar the then i/c AC, Head Office who is the primary responsible officer to inspect the building and verified the Built up area to calculation of BPS Penal amount. The penalization amount calculated and collected from the applicant of Rs. 1,97,50,800/- instead of actual penalization Rs. 2,41,51,948/-.

Hence, due to negligence of the above individual there is loss to the Government of Rs. 44,01,148/-.

**FINDINGS:**

1. The GHMC Officials ignored some main essential information in the note file of the BPS file regarding the Pro. No. BPS/198/C-18/NZ/GHMC/2008, dt. 22.12.2010.
  - a. The date of completion of structure of the building was not mentioned.
  - b. The original assessment date of Property Tax of the property is not mentioned.
  - c. The details of Calculation of Building penalization amount was not mentioned in the note file.
2. The GHMC processing officer prepared two intimation notice on 17.11.2009 to the applicant regarding the submission of documents after one and half year of the date of submission of BPS application.
3. The total built up area of the building given by the Owner/Builder is 13909.38 Sq.ft. in the BPS application plans, the total built up area as per BPS approval is 8015.34 Sq.mts. and the department officials have not cross checked the actual built up area before releasing the BPS proceedings.
4. The GHMC Officials have calculated the building penalization amount as Rs.1,97,50,800/- in the note file without detailed measurement calculations.
5. The owner applied for BPS without any prior permission from the GHMC and the applicant sincerely submitted in the plans as total unauthorized built up area of 1,50,949.67 Sq.ft.
6. The total penalization amount calculated by the GHMC on 98754.00 Sq.ft. only, the remaining constructed area i.e., 52,196.00 Sq.ft. was not included in the penalization amount even though the total constructed area including cellars as commercial purpose.
7. The V&E Officials has calculated actual total penalization amount as per Memo No.19589/M1/2009, dt. 25.11.2009 on the basis of the physical observation of the building built up area in the presence of Town Planning Officers of GHMC and arrived at Rs. 2,41,51,948/- and balance amount (Rs. 44,01,178/-) has to be recovered from the owner/builder.
8. The floor details of the building as 1 Cellar + G + 6 Upper Floors as per Structural Safety Certificate issued by the Structural Engineer, but in the BPS Proceedings it is 2 Cellars + G + 6 Upper Floors. The processing officer without seeing the Structural Safety Certificate and simply approved the BPS proceedings.
9. The Structural Safety Certificate which was issued without conducting any tests regarding strength aspect of the structure, but merely on external appearance.

**Annexure - III**

List of documents upon which the Articles of Charges to be framed against Sri M.Raiender Kumar, the then TPS, North Zone, GHMC presently working as TPS in Sadasivapet Municipality.

G.A (V&E) Dept., Vigilance Report No. 12 (C.No.1026/V&E/D1/2009) dt. 30.07.2014

**Annexure - IV**

List of witness on whom the Article of Charges to be framed against Sri M.Raiender Kumar, the then TPS, North Zone. GHMC presently working as TPS in Sadasivapet Municipality

- NIL -

**M.G. GOPAL,**  
*Special Chief Secretary to Government.*

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